EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Joseph Condo, Reg. No. 42,431, on 4/9/2008.

Please amend the claims as follows:

10. (Currently Amended) A method for improving the efficiency of a message processing system, comprising:

determining a workload of a message processing system by accessing performance data regarding the message processing system, and determining, using the performance data, the workload with respect to a system operating parameter;

polling for a new message at a frequency according to the workload status, wherein the frequency is inversely proportional to the workload and, if the workload is above a predetermined limit, polling only for a new non-activation message;

identifying a blocked instance being processed by the message processing system;

calculating an expected idle time for the blocked instance by:
accessing performance data for the message processing system;

determining a length of time the blocked instance has been idle: and generating the expected idle time based on the performance data and length of time the blocked instance has been idle;

dehydrating the blocked instance if the expected idle time exceeds a predetermined threshold;

updating the workload according to the dehydration of the instance; and

updating the threshold according to the workload.

11. (Canceled)

12. (Currently Amended) The method of claim [[11]] 10, wherein the accessed performance data is memory usage.

13. (Currently Amended) The method of claim [[11]] 10, wherein the accessed performance data is processor power in use by the message processing system.

14-16. (Canceled)

17. (Original) The method of claim 10, wherein the polling step is carried out at one of a first or second frequencies, wherein the first frequency is greater than the second frequency.

18. (Original) The method of claim 17, wherein the polling step further comprises polling only for a new non-activation message.

19. (Canceled)

20. (Currently Amended) The method of claim [[19]] 10, wherein the performance data is assigned according to a predetermined criterion if no performance data is accessible.

21. (Original) The method of claim 10, wherein the blocked instance is a first instance, and the performance data comprises a recorded idle time of a second instance.

22. (Canceled)

23. (Currently Amended) A method for managing a workload of a message processing system, comprising:

determining the workload of the message processing system;
polling for a new message at a frequency, wherein the frequency is inversely proportional to the workload and, if the workload is above a predetermined limit, polling only for a new non-activation message;

identifying a blocked instance being processed by the message processing system and, if the blocked instance has no executable segments:

calculating an expected idle time for the blocked instance based on performance data relating to the message processing system instance by:
accessing performance data for the message processing system;
determining a length of time the blocked instance has been idle; and generating the expected idle time based on the performance data and length of time the blocked instance has been idle; and

determining whether the expected idle time exceeds a predetermined threshold and, if

so,

dehydrating the blocked instance;

updating the workload according to the dehydration; and

updating the performance data according to the polling of the new message.

24. (Canceled)

25. (Currently Amended) A computer-readable storage medium having computer-readable instructions for performing a method for improving the efficiency of a message processing system, the method comprising:

determining a workload of a message processing system by accessing performance data regarding the message processing system, and determining, using the performance data, the workload with respect to a system operating parameter;

polling for a new message at a frequency according to the workload status, wherein the frequency is inversely proportional to the workload and, if the workload is above a predetermined limit, polling only for a new non-activation message;

identifying a blocked instance being processed by the message processing system;

calculating an expected idle time for the blocked instance by:
accessing performance data for the message processing system;

determining a length of time the blocked instance has been idle: and generating the expected idle time based on the performance data and length of time the blocked instance has been idle;

dehydrating the blocked instance if the expected idle time exceeds a predetermined threshold;

updating the workload according to the dehydration of the instance; and

updating the threshold according to the workload.

26. (Canceled)

27. (Currently Amended) The computer-readable medium of claim [[26]] 25, wherein the accessed performance data is memory usage.

28. (Currently Amended) The computer-readable medium of claim [[26]] 25, wherein the accessed performance data is processor power in use by the message processing system.

29-31 (Canceled)

32. (Original) The computer-readable medium of claim 25, wherein the polling step is carried out at one of a first or second frequencies, wherein the first frequency is greater than the second frequency.

33. (Original) The computer-readable medium of claim 32, wherein the polling step further comprises polling only for a new non-activation message.

34. (Canceled)

35. (Currently Amended) The computer-readable medium of claim [[34]] 25, wherein the performance data is assigned according to a predetermined criterion if no performance data is accessible.

36. (Original) The computer-readable medium of claim 25, wherein the blocked instance is a first instance, and the performance data comprises a recorded idle time of a second instance.

37. (Canceled)

38. (Currently Amended) A computer-readable storage medium having computer-executable instructions for performing a method for managing a workload of a message processing system, the method comprising:

determining the workload of the message processing system;
polling for a new message at a frequency, wherein the frequency is inversely proportional to the workload and, if the workload is above a predetermined limit, polling only for a new non-activation message;

identifying a blocked instance being processed by the message processing system and, if the blocked instance has no executable segments:

calculating an expected idle time for the blocked instance based on performance data relating to the message processing system instance by:
accessing performance data for the message processing system;
determining a length of time the blocked instance has been idle; and generating the expected idle time based on the performance data and length of time the blocked instance has been idle; and

determining whether the expected idle time exceeds a predetermined threshold and, if

so,

dehydrating the blocked instance;

updating the workload according to the dehydration; and

updating the performance data according to the polling of the new message.

39. (Canceled)

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: Although the combination of Enck et al. (US PGPub 2002/0183972) in view of Lownsbrough et al. (US 7,003,572) teaches or suggested some of the claim features in independent claims 10, 23, 25, and 28, they do not teach or suggest all the claim features including: polling for a new message at a frequency according to the workload status, wherein the frequency is inversely proportional to the workload and, if the workload is above a predetermined limit, polling only for a new non-activation message and calculating an expected idle time for the blocked instance based on performance data relating to the message processing system instance by: accessing performance data for the message processing system; determining a length of time the blocked instance has been idle: and generating the expected idle time based on the performance data and length of time the blocked instance has been idle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-

270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

LNM